

REMARKS

Claim Disposition

Claims 1 – 19 are pending in the application. Claims 1, 2, 8 and 10-19 have been rejected. Claims 3-7 and 9 have been objected to. Claim 17 has been amended.

The restriction requirement filed on July 14, 2006 has been withdrawn by the Examiner.

Amendment to the Claims

Claim 17 has been amended to include language of Claim 1 regarding spacing. Specifically the phrase *plurality of angled* has been added to Claim 17 as follows: *each of said plurality of angled strips disposed so as to be spaced apart to create...* No new matter has been added by this amendment, as this phrase was already included in Claim 1 as originally filed. Additional support is found in the specification in paragraph [0025]: *Another parameter is the spacing 42 between rows of surface strips*, which clearly indicates that the space is between more than one plurality of strips.

Claim Rejections 35 U.S.C. §102(b)

Claims 1, 2, 8, 10-19 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Maeda U.S. Patent No. 5,802,841 hereinafter referred to as Maeda. Applicants respectfully traverse. Applicants contend that the explanation in the Office Action mischaracterizes the teachings of Maeda. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Claim 1 of the instant application specifically claims the element of a *space between each of said plurality of angled strips*. A detailed description of these spaces is provided in the specification such as in paragraph [0023] *the strips 40 are segmented so that there are spaces 42 and 44 between the v-shaped strips and the angled strips and The spaces 42 and 44 create distinct edges in which the discharge air 11 interacts with the edges to create vortices to turbulate the flow. It is noted that while the air flows mainly in the longitudinal direction,*

*the spaces 42 and 44 are formed laterally next to each strip 40. Further description is found in paragraph [0025] Another parameter is the spacing 42 between rows of surface strips. This spacing must be large enough to allow the generation of flow vortices freely from the edges of the strips. In an exemplary embodiment, this spacing 42 is from 5 to 10 times the height H. A review of Maeda, and particularly Figures 9 and 10, as cited by the Examiner in the rejection finds that **no space** exists between the rows of strips. Maeda, therefore, does not disclose, teach or even suggest this element of Claim 1 and as such an anticipation rejection is improper and should be withdrawn.*

Dependent Claim 2 depends from Claim 1 and adds the limitation of a *V-shape* to the angled strips. The Examiner has again referenced Figures 9 and 10 in rejecting this claim. A review of Figure 9 reveals that the angled strips of Maeda are not V-shaped but instead are columns of fins at alternating angles. The fins at alternating angles do not intersect each other at all and therefore do not intersect at a point, which one would, at a minimum, expect for them to be considered as being V-shaped. Additionally, a vertical fin connects the alternating fins together making a V-shaped description even more remote. Maeda himself did not consider his fins to be in a V-shape but instead described them as being in a tree shaped structure as is described in column 11 line 28 *These ribs or fins are arranged in shape of tree (sic)*. Without the fins of Maeda being in a V-shape, Maeda cannot anticipate Claim 2, and, therefore, Claim 2 is allowable and the rejection should be withdrawn.

Dependent Claim 10 depends from Claim 1 and adds the limitation of *wherein each of said plurality of angled strips has a height of about 0.02 inches to about 0.12 inches*. The Examiner has referenced Figure 10 in rejecting Claim 10. Figure 10 is a sectioned view showing some fins from the side, however, no scale of Figure 10 is provided and thus no determination of the height of the fins can be made. Since Maeda does not disclose the height of the fins, this height limitation of Claim 10 cannot be anticipated and thus the rejection is invalid and should be withdrawn.

Independent Claim 17 is a method claim claiming the element of *forming a plurality of angled strips...each of said plurality of angled strips disposed so as to be spaced apart to create vortices...* As described above, since Maeda does not disclose, teach or suggest spaces between said plurality of strips the rejection is improper and should be withdrawn.

The dependent claims 2, 8, 10-16, and 18-19 in the present application depend either directly or indirectly from Claim 1 or 17. Since, for at least the reasons argued above Claims 1 and 17 are allowable then the dependent claims 2, 8, 10-16, 18 and 19 according to the rules of dependency are also allowable.

Claim Rejections 35 U.S.C. §102(e)

Claims 1, 8, 13, and 16-18 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bunker U.S. Patent No. 6,722,134 hereinafter referred to as Bunker. Applicants respectfully traverse. Applicants contend that the explanation in the Office Action mischaracterizes the teachings of Maeda. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. Lewmar Marine Inc. v. Barient, Inc., 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Claim 1 of the instant application includes the element of *a space between each of said plurality of angled strips*. Figure 2 of Bunker, labeled as Prior Art and referenced by the Examiner in the rejection, has only a single group or plurality of angled ribs. Without a second group or plurality of angled ribs it is not possible to have *a space between each of said plurality of angled strips* as there is not a second plurality of strips, and thus no "between" in which a space could exist. As such, Bunker does not teach, disclose or suggest this element of Claim 1 and, therefore, an anticipation rejection is improper and should be withdrawn.

Independent Claim 17 is a method claim claiming the element of *forming a plurality of angled strips...each of said plurality of angled strips disposed so as to be spaced apart to create vortices...* As described above, since Bunker does not disclose, teach or suggest spaces between said plurality of strips the rejection is improper and should be withdrawn.

The dependent claims 8, 13, 16, and 18 in the present application depend either directly or indirectly from Claim 1 or 17. Since, for at least the reasons argued above Claims 1 and 17 are allowable then the dependent claims 8, 13, 16 and 18 according to the rules of dependency are also allowable.

Claim Objections

Claims 3-7 and 9 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's indication of allowable matter and would like to reserve the option of accepting this allowable matter at a future date.


It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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